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HOME DEPARTMENT

NOTIFICATION

The 28th February 2025

No. 8950—PT3-HOME-CPM-MISC-0213/2023—In exercise of the powers conferred by sub-section (2) of Section 176 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) read with Government of Odisha, Home Department vide Notification bearing No. 22520—PT3-HOME-CPM-MISC-0213/2023, dated the 30th June 2024, do herewith pleased to frame the following rules.—

1. Short title and Commencement.—

(i) These rules may be called as “Odisha Investigation of Police Officers in Non-Serious Cases Rules, 2025”.

(ii) They shall come into force from the date of publication of this notification in the *Odisha Gazette*.

2. Procedure for Investigation in Non-Serious Cases (Section 176 of Bharatiya Nagarik Suraksha Sanhita).—

(a) When information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the Officer-in-Charge of a Police Station need not proceed in person or depute a Subordinate Officer to make an investigation on the spot.

(b) If it appears to the Officer-in-Charge of a Police Station that there is no sufficient ground for enquiring on an investigation, he shall not investigate the case;

Considering the above two clauses, following rules are hereby made,—

(i) In case when information is received by the Officer-in-Charge of Police Station and the complaint is falling under Clause (a) of Section 176 (1) Bharatiya Nagarik Suraksha Sanhita, at once FIR need be registered by the Officer-in-Charge of Police Station of the Police Station as per provision under Section 173 Bharatiya Nagarik Suraksha Sanhita and submitted to the Jurisdictional Magistrate with copies usually sent to others.

(ii) In such cases, the investigation is to be taken up continued by the Officer-in-Charge of Police Station himself or by any officer subordinate to him. Then Officer-in-Charge of Police Station shall submit a report under Section 193 Bharatiya Nagarik Suraksha Sanhita after completion of such investigation.

(iii) In cases when an investigation is refused under Section 176 (1) (b), the Officers- in-Charge of Police Station after registration of FIR under appropriate sections of law shall transmit the FIR to the Jurisdictional Magistrate/ Cognizance Taking Court specifically indicating in the FIR format under Col.13-“ACTION TAKEN” that the above report reveals commission of offences u/s.....was registered vide Case Number.....and investigation ‘REFUSED’. (A separate report may be attached along with the FIR mentioning the reason for refusing investigation by the Officer- in-Charge of Police Station with sufficient reasoning).

(iv) The Officer- in-Charge of Police Station after registering a case as per Section 173 Bharatiya Nagarik Suraksha Sanhita under appropriate sections of the law and refusing the investigation under Section 176 (1) (b) shall give a copy of the FIR to the informant or the complainant and obtain an acknowledgement in the counterfoil copy of the FIR or serve a notice as per Annexure-A.

(v) In cases when the investigation is refused under Section 176 (1)(b) of Bharatiya Nagarik Suraksha Sanhita, the Officer-in-Charge of Police Station will not send any further report of such cases including the final report under Section 193 Bharatiya Nagarik Suraksha Sanhita.

(vi) In each of the cases mentioned in Clause (a) and (b) of the first proviso to sub-section (1), the Officer- in-Charge of Police Station shall mention in his report the reason for not fully complying with the requirements of that sub-section and shall forward the daily diary report fortnightly to the Magistrate as per the Annexure-B.

(vii) Refusal of Investigation by Officer- in-Charge of Police Station,—

The Officer- in-Charge of Police Station may refuse investigation under Section 176 (1) (b) of the Sanhita, if the reports so submitted/ received falls under the following categories, namely :—

(a) Triviality : Trivial offences, such as are contemplated in Section 33 of the Bharatiya Nyaya Sanhita 2024. “Nothing is an offence by reason that it causes, or that is intended to cause, or that it is known to be likely to cause any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm”;

(b) Civil nature : Cases clearly of civil nature or in which complainant is obviously endeavouring to set the criminal law in motion to support a civil right;

(c) Petty thefts : Cases of petty theft of property less than Rs. 1000 in value, provided that the accused person is not an old offender, nor a professional criminal, and that the property does not consist of sheep or goats;

(d) Injured person not wishing an inquiry : Unimportant cases in which the person, injured does not wish inquiry, unless (i) the crime is suspected to be the work of a professional or habitual offender or (ii) a rowdy element or (iii) the investigation appears desirable in the interests of the public;

(e) Undetectable simple cases : Simple cases of house-breaking or house-trespass and petty thefts of unidentifiable property, in none of which cases is there any clue to work upon or any practical chance of detection, provided that there is nothing to indicate that the offence has been committed by a professional criminal;

(f) Exaggerated assaults : Assault in cases which have been obviously exaggerated by the addition of other charges such as theft; and

(g) Petty offences : Petty offence as described under Section 229 (2) of Bharatiya Nagarik Suraksha Sanhita except cased under Motor Vehicle Act, 2023.

By order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government

ANNEXURE-A

ଅଭିଯୋଗକାରୀଙ୍କୁ ସୂଚନାପତ୍ର

ଶ୍ରୀ/ ଶ୍ରୀମତୀ _____, ପିତା/ ସ୍ୱା _____
 ଗ୍ରାମ _____, ଥାନା _____, ଜିଲ୍ଲା _____ ଆପଣଙ୍କ ତା _____
 _____ ରିଖର ମୌଜା/ ଲିଖିତ ଆବେଦନପତ୍ରକୁ ତା _____ ରିଖରେ ଏତଲା ନମ୍ବର
 କରାଯାଇଅଛି । ଆପଣଙ୍କ ଆବେଦନପତ୍ର _____ ଶ୍ରେଣୀ ହୋଇଥିବାରୁ ଏହାର ତଦନ୍ତ କରାଗଲା ନାହିଁ ।

(ଦସ୍ତଖତ) ଭାରପ୍ରାପ୍ତ କର୍ମଚାରୀ

ତାରିଖ _____

ଥାନା _____

ଜିଲ୍ଲା _____

ANNEXURE-B

FORTNIGHTLY DAILY DIARY REPORT

[Section 176 (2) Bharatiya Nagarik Suraksha Sanhita]

Sl. No.	Name of the informant with date	Details of Action Taken					Name of the officer making the entry	Court's remarks/ order
		FIR No.	Date	Section of Law	Reasons for not visiting spot during spot visit	Reason for refusing investigation and ground in support of refusal		
1	2	3	4	5	6	7	8	9